

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
Western District of Texas

FILED
JUL 17 2020
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
DEPUTY

United States of America
v.
Leeroy Felan

Case No.

DR 20-1377M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 9, 2020 in the county of Dimmit County in the
Western District of Texas, the defendant(s) violated:

Code Section
Title 18, United States Code,
Section 3, Accessory After the Fact

Offense Description
On or about June 9, 2020, in the Western District of Texas, the defendant, Leeroy Felan, knowing that an offense against the United States had been committed, to wit, arson of a building used in interstate or foreign commerce, a violation of Title 18, United States Code, Section 844(i), did receive, relieve, comfort and assist the offender, Jose Felan, in order to hinder and prevent the offender's apprehension, trial, and punishment, in violation of Title 18, United States Code, Section 3.

This criminal complaint is based on these facts:

I further state that I am a Deputy United States Marshal and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

A true copy of the original is certified,
Clerk, U.S. District Court

By

Deputy Clerk

☒ Continued on the attached sheet.


Complainant's signature

Peter M. Castillo, Deputy United States Marshal
Printed name and title

Sworn to before me and signed in my presence.

Date:

7/17/2020

City and state:

Del Rio, TX


Judge's signature

Hon. Collis White, United States Magistrate Judge
Printed name and title

WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

ss.

AFFIDAVIT OF
PETER M. CASTILLO

1. I, Deputy United States Marshal Peter Castillo, being first duly sworn, hereby depose and state as follows:

2. I am employed as a Deputy United States Marshal and have been so employed since August 2015. I am currently assigned to the Del Rio Division as a criminal investigator for the Lone Star Fugitive Task Force. My primary responsibility is to locate and apprehend local, state and federal fugitives, wanted for felony criminal offenses involving acts of violence, weapons, or criminal sexual acts. I graduated from the Basic Deputy United States Marshals Academy in January of 2016 and have received extensive in-service training since appointment to the task force. Additionally, I am a district public affairs officer, preparing and disseminating information to the public via media sources, on behalf of district management and the Agency. I graduated from the United States Marshals Service Public Affairs Officer Certification Course in 2018. Finally, I am a collateral sex offender investigations coordinator. I have investigated numerous convicted sex offenders for sex offender registration related offenses, including the fugitive in this case -- Jose Felan, resulting in state and federal convictions. I graduated from the United States Marshals Service Sex Offender Investigations Coordinator Basic Course in 2018. Prior to joining the United States Marshals Service, I served as a municipal police officer in Massachusetts, and a non-commissioned officer in the United States Army.

3. The facts and information contained in this affidavit are based upon my personal knowledge and the investigation and observations of other officers and agents involved in the investigation. This affidavit contains information necessary to support probable cause for this application. It is not intended to include each and every fact and matter observed by me or known to the government.

4. The affidavit submitted below is in support of a criminal complaint charging Leeroy Felan with the offense stated. Specifically, it will show that Leeroy Felan, knowing that his brother, Jose Felan, was wanted by the Bureau of Alcohol Tobacco and Firearms (ATF), having been charged with arson of a building used in interstate or foreign commerce, a violation of Title 18, United States Code, § 844(i), did knowingly and purposefully assist in the flight and transportation of Jose Felan and his wife, Mena Yousif, in order to hinder and prevent both person's from being apprehended by law enforcement.

5. Additionally, Leeroy Felan did purposefully contact law enforcement, namely the United States Marshals Service, and provide false statements via a telephone call, in order to further impede the investigation of the aforementioned fugitives.

6. For the reasons set forth in this affidavit, there is probable cause to believe that violations of federal law, including, but not limited to Title 18, United States Code, § 3 (accessory after the fact), have been committed in order to prevent the location and arrest of two individuals who have outstanding arrest warrants out of the District of Minnesota, specifically Jose Felan and Mena Yousif. Your affiant is

requesting an arrest warrant with probable cause for the offense previously stated in order to further this investigation.

PROBABLE CAUSE

7. On May 25, 2020, George Floyd died while in the custody of the Minneapolis Police Department. The nature and circumstances of Mr. Floyd's arrest, subsequent death, and the actions of the Minneapolis Police Department came under intense public scrutiny. Almost immediately following Mr. Floyd's death, public protests began in Minneapolis and began expanding throughout the Twin Cities metro area. In the days that followed, in addition to peaceful protests, the Cities of Minneapolis and St. Paul, and some surrounding communities, endured violence and destruction. This violence included numerous arsons in the cities of Minneapolis and St. Paul.

8. On May 28, 2020, an individual, later identified as Jose A. Felan, Jr. started a fire at the Goodwill retail store located at 1239 University Avenue West, St. Paul, Minnesota ("Goodwill"), a building that is involved in interstate and foreign commerce. Jose Felan was recorded on surveillance cameras setting the fire in the Goodwill's back room. He was also captured on video in temporal and physical proximity to fires that were set at a Napa Auto Parts at 1271 University Avenue West, Gordon Parks High School at 1212 University Avenue West, and a Speedway gas station at 970 University Avenue West, all in St. Paul, Minnesota.

9. On June 5, 2020, ATF issued a press release asking the public's assistance in identifying "persons of interest who could advance the arson investigation into

several St. Paul businesses that were set ablaze last week." Photographs from the Goodwill fire were included in the press release, showing several photos of "Goodwill Person 1" (later identified as Jose Felan) and "Goodwill person 2" (later identified as Mena Yousif ("Yousif"). The press release was posted on Twitter and picked up by news organizations.

10. On June 7, 2020, ATF released additional photographs of "Goodwill Person 1" (Jose Felan), and offered a \$5,000 reward for information about his identity. Similar to the June 5 press release, the June 7 press release was also picked up widely by various TV, internet, and print news organizations.

11. On June 8, 2020, ATF received several tips, including from individuals who wished to remain anonymous, that the arsonist was Jose Felan, a resident of Rochester, Minnesota. Three other tips identified other individuals. Special Agent Dominic Bates, an ATF agent assigned to the District of Minnesota, St. Paul Division, was able to confirm Jose Felan's identity as the Goodwill arsonist after reviewing body camera footage of a Rochester Police Department interaction with Jose Felan in March 2020.

12. Jose Felan has a tattoo on his right forearm that depicts the name "Mena" with a crown. Local law enforcement in Rochester indicated that they are familiar with "Mena" and know her to be Jose Felan's girlfriend, Yousif. Local law enforcement confirmed that the person depicted in ATF's press release as "Goodwill Person 2" is in fact Yousif. Both Jose Felan and Yousif are believed to live in Rochester, Minnesota.

13. Late in the evening on June 8, 2020, Jose Felan was charged by complaint with arson, in violation of 18 U.S.C. § 844(i), and the Court issued a warrant for his arrest. When ATF could not locate Jose Felan in Rochester, the Court also issued a warrant to locate, or "ping," Jose Felan's phone. In the early morning of June 9, 2020, Jose Felan's phone pinged in a rural area of western Missouri. Local law enforcement responded to the ping, and stopped a black 2013 Cadillac SRX bearing Minnesota license plate [REDACTED]—the Subject Vehicle. That vehicle is registered to Jose Felan; however, Yousif was driving it and Jose Felan was not in the vehicle. When law enforcement asked Yousif to identify the car's owner, Yousif responded that she did not know. When asked why she was on a rural road with an out-of-state license plate, she said she was just going for a drive. Yousif does not appear to have any family or business connections in Missouri. After that, Yousif then simply shrugged her shoulders or refused to answer any further questions.

14. A short while later, Jose Felan's phone pings led law enforcement to a motel in Fort Scott, Kansas. Officers observed a silver 2010 Chevrolet Traverse with Minnesota license plate [REDACTED] in the parking lot. That vehicle is registered to Yousif. The receptionist told law enforcement that Jose Felan had checked into the motel and had indicated that his girlfriend (Yousif) would be following him and should be given a key to his room when she arrived.

15. Investigation revealed that Jose Felan left the motel in Kansas with an individual who agreed to give Jose Felan a ride to Oklahoma City in exchange for the

2010 Chevy Traverse. On the morning of June 9, 2020, Jose Felan's phone pinged in Oklahoma. This concludes the narrative for Jose Felan's route of travel.

16. On June 8, 2020, Leeroy Felan, brother to the fugitive, sent a message via Facebook messenger to their brother -- Erick Felan, with a link to the ATF article in Minnesota, showing that Jose Felan was a wanted suspect in an arson investigation. Leeroy also sent this article to their mother, Sonia Felan, on June 8, 2020.

17. On June 9, 2020, Jose Felan texted Leeroy Felan and requested help. Through numerous text messages, Jose explained that law enforcement was using his cell phone signal to locate him. Jose informed Leeroy that he was traveling south from Kansas toward Oklahoma. Leeroy advised Jose that he was traveling north towards him, but that their mom, Sonia, would likely arrive first, since she was coming from San Antonio. Jose explicitly informed Leeroy multiple times that he was avoiding law enforcement contact, and even detailed turning off his phone between messages to prevent signal tracking. Jose informed them when he arrived in Oklahoma, specifically noting that he was hiding in the brush near a Walmart.

18. On June 11, 2020, Leeroy Felan contacted United States Probation Officer Sophia Ramirez. Leeroy Felan resides at [REDACTED] Carrizo Springs, TX, which is in the Western District of Texas. Leeroy Felan is currently serving a term of supervised release following a 2015 conviction for Alien Smuggling. Per Leeroy, Jose Felan, had called him several times the day prior and said that he was coming down from Minnesota to visit. Leeroy provided that he does not have a close relationship with Jose and found the timing of his trip to be odd. Leeroy gave two

possible destinations for Jose -- either his house in Carrizo Springs, or his parents house in Eagle Pass. Leeroy said that Jose and his wife, Mena Yousif, had lost their car in Dallas. No additional details were provided. Officer Ramirez advised Leeroy to contact law enforcement authorities if he was concerned for either his safety or the safety of his family.

19. During the evening of June 11, 2020, Leeroy Felan called Deputy United States Marshal Peter Castillo. Also included on this phone call, with Leeroy's consent, was acting Supervisory Deputy United States Marshal Vicente Rodriguez. Leeroy explained the same information that he relayed to Officer Ramirez, adding that he had conducted an internet search engine query of Jose Felan's name, and saw that his brother was wanted in Minnesota for arson. Leeroy informed both Deputies that he believed Jose was traveling to their Father's house, [REDACTED], Eagle Pass, TX. Leeroy advised that his mother drove a brown colored older Toyota sedan, that she did not have a permanent address or home, and that she traveled frequently between Texas and California. Leeroy identified a third brother, Erick Felan, as living in San Antonio, TX, and driving a black colored Chrysler sedan. He also provided two cell phone numbers that Jose had used to call him: [REDACTED], and [REDACTED]. When questioned directly, Leeroy explained that he does not maintain a close relationship with his brother, since he has a previous federal felony conviction himself, and is actively seeking to rebuild his life following his federal criminal conviction. He claimed to have no additional contact with Jose Felan.

20. On June 11, 2020, law enforcement stopped a black Cadillac SRX, hereafter identified as Subject Vehicle, bearing Minnesota license plate [REDACTED], outside of Austin, TX. The vehicle was registered to Jose Felan and previously disseminated nationwide via a law enforcement BOLO notice. Felan's mother, Sonia Felan, was driving, and neither Jose Felan (the registered owner) nor Yousif (the previous driver) were in the car. Sonia Felan was carrying a cell phone and gave law enforcement consent to search the phone, which revealed two new phone numbers for Jose Felan and/or Yousif. The consent to search the phone also revealed text messages consistent with Felan and Yousif fleeing Minnesota. A search of the car revealed the empty packaging for a cell phone. Following the traffic stop, law enforcement attempted to follow Sonia Felan, but Sonia Felan employed what appeared to be evasive maneuvers to prevent law enforcement from following her, and law enforcement lost her vehicle.

21. On June 11, 2020, law enforcement sought and received authorization from a magistrate judge in the District of Minnesota to gather electronic data concerning the two new cell phones, including prospective GPS data. The GPS data for the cell phone with phone number [REDACTED] led law enforcement to a Holiday Inn outside of San Antonio, Texas.

22. On January 12, 2020, law enforcement interviewed Holiday Inn employees and believe that, while Jose Felan and Yousef were staying at that hotel but have since fled. Currently, law enforcement have not received any GPS data for the cell phone with phone number [REDACTED]. Law enforcement discovered the cell phone with phone number [REDACTED] in a trash bin near the Holiday Inn.

Law enforcement also discovered a cell phone that Felan had previously been using and law enforcement had sought and received authorization to "ping" in the possession of an individual who stated that he had found the phone in a ditch or ravine near the Holiday Inn.

23. In reviewing call records from the abandoned phones, law enforcement discovered that a few minutes after they ended the investigative stop Sonia Felan in the Subject Vehicle on June 11, 2020, Sonia Felan called the phone belonging to Yousif, presumably to warn her about the interaction with law enforcement. Officers found Yousif's phone in the hotel dumpster several hours later.

24. Also at the Holiday Inn, law enforcement found a Toyota Camry that is registered to Sonia Felan. Law enforcement discovered this vehicle parked in the Holiday Inn parking lot the morning of June 12, 2020. In the afternoon on that day, the Honorable Judge Elizabeth Chestney authorized an emergency vehicle tracking warrant for the Toyota Camry.

25. On July 15, 2020, Special Agent Dominic Bates of the Bureau of Alcohol, Tobacco and Firearms, District of Minnesota, received information obtained from a cell phone, seized during the arson investigation, that belonged to Jose Felan. Records on this phone provided a detailed record of text conversations between Jose, Leeroy and Sonia Felan. This information revealed numerous factual discrepancies regarding the information provided to USMS investigators by Leeroy Felan, as detailed in this affidavit. Specifically, the information shows that Leeroy was in constant contact with Jose Felan and Sonia Felan throughout the day of June 9, 2020,

and assisted both parties in locating a meeting point to facilitate the travel of Jose Felan and Mena Yousif south into Texas.

26. On June 18, 2020, criminal investigators with the United States Marshals Service obtained surveillance footage from the aforementioned Holiday Inn outside of San Antonio, showing that Jose Felan and Mena Yousif arrived at the hotel during the evening hours of June 12, 2020. They parked a brown colored Toyota Camry, bearing Texas temporary plates [REDACTED], registered to Sonia Felan, and walked outside of the camera angle. At the time of this affidavit submission, this is the last time they have been seen together.

27. Jose Felan and Mena Yousif continue to evade arrest from the federal arson complaints out of the District of Minnesota. There is probable cause to believe that Leeroy Felan, having full knowledge that Jose Felan was wanted by ATF for arson out Minnesota, provided direct assistance to Jose Felan and Mena Yousif during their flight from law enforcement. Additionally, there is probable cause to show that Leeroy Felan purposefully lied to criminal investigators from the United States Marshals Service, in an effort to prevent their capture.

28. In this case, the investigation is ongoing, and there is reasonable cause to believe that disclosure of the contents of this affidavit and the warrant and associated documents may, in the Affiant's opinion, cause the targets of the investigation to destroy evidence, tamper with potential witnesses, further flee the jurisdiction, or otherwise impede the ongoing investigation and hinder the opportunity to pursue leads developing out of the current investigation.


29. Based on the foregoing, the Affiant respectfully requests that the Court issue a warrant authorizing the Affiant, as well as other law enforcement agents assisting in the above-described investigation, to arrest Leeroy Felan for the aforementioned offense.

Respectfully submitted,



PETER M. CASTILLO
Deputy United States Marshal, USMS

SUBSCRIBED and SWORN before me on July 17, 2020:



The Honorable Judge Collis White
United States Magistrate Judge